

Letter to Home Secretary – Scottish and Welsh Ministers outline concerns over EU Exit Settlement Scheme

In the letter, the 2 Cabinet Secretaries ask for devolved administrations to be fully consulted on the rules around settled status ahead of their publication. In addition, they also request an urgent meeting to discuss outstanding concerns on the EU Exit Settlement Scheme for EEA citizens.

Full text of the letter below.

Dear Sajid

We are writing to you to relay our very serious concerns about a number of immigration related matters which are causing great uncertainty across Scotland and Wales. While immigration is a reserved issue, the Scottish Government and the Welsh Government have a clear interest in the operation of the immigration system given the valuable contribution migrants make to our economies, our public services and our communities.

We have been engaging with EEA citizens across Wales and Scotland extensively since the result of the EU referendum, and a consistent theme in all of those conversations is a desire for clarity on the Settled Status Scheme. There are potentially significant numbers of people who are at risk of missing out on settled status simply due to being unable to, or unaware that they can and need to apply. This continuing lack of detail is not only a serious issue for our two governments, but is clearly of significant concern to EEA citizens, who are understandably anxious about what Brexit means for their future, and the future of their families.

We understand that our officials, together with local government representatives, are taking part in Home Office meetings to ensure that EEA citizens are informed about the Settled Status Scheme, and to make the Scheme accessible for all applicants. However, in the meetings held to date, there has been a severe lack of detail about any overarching communications, engagement or outreach strategy to support the Scheme. Nor have they provided detailed information about any plans which may or may not exist to provide practical support for those in Scotland and Wales who may face difficulties in applying, such as the Assisted Digital Service.

We would also remind you that overall responsibility for policy, strategy and funding of local government in Scotland and Wales is a devolved responsibility. It is wholly unacceptable that your Department should consider imposing additional responsibilities on local government without appropriate inter-governmental consultation and discussion or that engagement with local government on clearly devolved functions should take place without formally approaching your Ministerial counterparts here in the Scottish Government and the Welsh Government first. As a new burden, our clear

expectation is that the UK Government should fully fund the costs of any proposed additional responsibilities and there should be full consultation with us and our local government partners to establish and agree what those costs might be.

We are concerned about the lack of clarity around the expected role of local government with regards to the Settled Status Scheme, both in terms of informing EEA citizens about the scheme, and in terms of supporting individuals through the application process. Local authorities need clear guidance and messaging around what will be expected of them, including clarity on what resources will be made available to local authorities to support any additional responsibilities. We strongly encourage you to improve engagement with local authorities at political and officer level working with the Convention of Scottish Local Authorities and the Welsh Local Government Association to ensure this lack of clarity is rectified. The Third Sector also needs to be meaningfully engaged in this work and we would like to request that your Department undertakes face to face engagement with these stakeholders in Scotland and Wales.

We understand the UK Government is planning to set out more details about the Scheme before the summer, including draft immigration rules, and we would like to request early sight of these, as well as confirmation that Devolved Administrations will be fully and meaningfully consulted on the content in advance of publication.

If the UK Government is seeking the support of the Scottish Government and the Welsh Government, of Scottish and Welsh local government, and of devolved public services in the Settled Status process, then we need clarity about that process, the ask of local government and devolved public services, and the support which will be provided to EEA citizens resident in both countries.

Finally, we remain deeply troubled that we are yet to see any detail on the long-delayed White Paper or Immigration Bill. This delay prolongs uncertainty over the UK Government's intentions in relation to people coming to the UK after the transition period, which adds not only to the uncertainty for individuals, but also to our concern about the impact on our economies and public services.

Given the lack of meaningful engagement with our governments to date, we hope these concerns and requests are taken seriously and are responded to with urgency.

We are copying this letter to David Sterling, the Head of the Northern Ireland Civil Service, the Secretary of State for Wales, the Secretary of State for Scotland, the Convention of Scottish Local Authorities and the Welsh Local Government Association.

Fiona Hyslop MSP
Cabinet Secretary for Culture,
Tourism and External Affairs

Mark Drakeford AM/AC
Ysgrifennydd y Cabinet dros Gyllid
Cabinet Secretary for Finance